

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

LEONA J. LIGHTFOOT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 12-1250-CV-W-ODS
)	
CAROLYN COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

**ORDER AND OPINION REVERSING COMMISSIONER'S FINAL DECISION
DENYING BENEFITS AND REMANDING FOR RECONSIDERATION**

Pending is Plaintiff's appeal of the Commissioner of Social Security's final decision denying her application for disability benefits. The Commissioner's decision is reversed, and the case is remanded for reconsideration.

Much of this case resolves around whether Plaintiff has been diagnosed as suffering from rheumatoid arthritis. The ALJ found that she had not been so diagnosed, which affected the decision in a variety of ways. First, the ALJ declined to include the condition when describing Plaintiff's medical impairments at Step Two of the five-step sequential process. R. at 16. Second, it appears the ALJ viewed Plaintiff as falsely reporting that she was diagnosed as having rheumatoid arthritis, which was a factor in the ALJ's assessment of Plaintiff's credibility. Compare R. at 17-18 with R. at 19-20. Finally, the "lack of an objective medical basis" for her complaints was another factor in the ALJ's credibility assessment. R. at 19-20.

The issue ultimately settles on the meaning of a one-page letter written by Dr. Robert Jackson, a rheumatologist who treated Plaintiff at one time. The letter in question predates Plaintiff's alleged onset date by almost one year, but it has nonetheless become the focal point of the parties' argument and, to some extent, the ALJ's decision. The letter appears at page 318 of the Record and is also accurately

described as page 19 of Exhibit 3F. The ALJ described the letter as “inform[ing] the claimant that her tests were negative for RA.” R. at 20. The Commissioner adheres to this view, Commissioner’s Brief (Doc. # 12) at 10, and contends the Commissioner’s final decision is supported by the combination of (1) Plaintiff’s false testimony that she was diagnosed with rheumatoid arthritis and (2) the lack of objective evidence supporting such a diagnosis. For her part, Plaintiff describes the letter as “indicat[ing] that Lightfoot’s lab work yielded a seronegative rheumatoid arthritis (RA) result,” Plaintiff’s Brief (Doc. # 7) at 2, and constituting a “positive” diagnosis” for seronegative rheumatoid arthritis. Plaintiff’s Reply Brief (Doc. # 13) at 2.

The confusion arises from an error on the Commissioner’s part: “seronegative rheumatoid arthritis” is not a negative test for rheumatoid arthritis. There are two forms of rheumatoid arthritis: seropositive and seronegative. See, e.g., Stedman’s Medical Dictionary (28th ed.) at 1754 (defining “seronegative” in this context to mean “rheumatoid arthritis without rheumatoid factor”).¹ It is thus incorrect to construe Dr. Jackson’s June 20, 2009 letter as indicating Plaintiff did not have rheumatoid arthritis.

There is evidence suggesting Plaintiff responded well to treatment, which is entirely possible despite her testimony to the contrary. This is a factual matter for the Commissioner to decide. The Commissioner could ultimately decide (1) Plaintiff is disabled, (2) Plaintiff is not disabled, or (3) Plaintiff was disabled for a period of time but her condition improved. However, the ALJ’s misconstruing of Dr. Jackson’s letter was an important factor in the ALJ’s overall factual analysis, and the Court cannot say what the outcome would have been if the letter had been properly construed. All the Court can say is that there was a factual determination that is not supported by substantial evidence in the Record as a whole, and that determination had an effect on other

¹Several websites, of which the Court takes judicial notice, confirm this fact, including: (1) a website maintained by NYU medical center, <http://medicine.med.nyu.edu/rheumatology/conditions-we-treat/seronegative-arthritis>; (2) a website maintained by Johns Hopkins, <http://www.hopkinsarthritis.org/arthritis-info/rheumatoid-arthritis/ra-symptoms/>; an article on a website maintained by the National Institutes of Health, <http://www.ncbi.nlm.nih.gov/pubmed/20192927>. All of these sites were last visited by the Court on September 4, 2013.

factual determinations – which requires reversal of the Commissioner’s final decision and a remand for further proceedings.

IT IS SO ORDERED.

DATE: September 6, 2013

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT